

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

PERRY HARRINGTON,
Plaintiff,
v.
A CIOLLI,
Defendant.

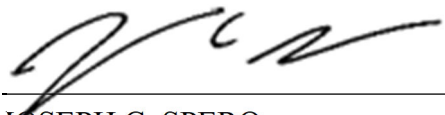
Case No. [21-cv-00678-JCS](#)

ORDER OF TRANSFER

In this federal habeas action, petitioner challenges his federal detention in Merced County, which lies in the Eastern District of California. While petitioner challenges the validity of his sentence, he does so under the “savings clause” of 28 U.S.C. § 2241 rather than under 28 U.S.C. § 2255. *See Stephens v. Herrera*, 464 F.3d 895, 898 (9th Cir. 2006) (federal prisoner may proceed under § 2241 if she “(1) makes a claim of actual innocence, and (2) has not had an unobstructed procedural shot at presenting that claim”). Accordingly, this action is TRANSFERRED to the Eastern District of California under 28 U.S.C. § 1406(a). *See Hernandez v. Campbell*, 204 F.3d 861, 864-65 n.6 (9th Cir. 2000). The Clerk shall transfer this action forthwith.

IT IS SO ORDERED.

Dated: April 19, 2021



JOSEPH C. SPERO
United States Chief Magistrate Judge